



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 6, 2005 LOCAL EFFECTIVE DATE May 21, 2005 APPROX FINAL EFFECTIVE DATE June 10, 2005	CONTACT/PHONE Tammy Seale, Project Planner 805-781-1162	APPLICANT Anthony Wisniewski	FILE NO. DRC2004-00175
SUBJECT Request by Anthony Wisniewski for a Minor Use Permit/Coastal Development Permit to allow demolition of a 1,400 square foot single-family residence and construction of a new single-family residence with an attached garage resulting in 1,904 square feet of footprint and 3,046 square feet of gross structural area. The project will result in the disturbance of approximately 2,991 square feet of a 7,129 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1249 Pacific Avenue in the community of Cayucos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00175 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 and 3 Categorical Exemption was issued on April 5, 2005 (ED04-458).			
LAND USE CATEGORY Residential Single-Family	COMBINING DESIGNATION Coastal Appeal Zone, Local Coastal Plan, and Small Scale Design Neighborhood	ASSESSOR PARCEL NUMBER 064,222,016	SUPERVISOR DISTRICT: 2
PLANNING AREA STANDARDS: Estero Area Plan, Cayucos Urban Area Standards – Small Scale Design Neighborhood: Setbacks, Height, Gross Structural Area, Parking, Deck Rail Height, Driveway Width <i>Does the project meet applicable Planning Area Standards? Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Coastal Appeal Zone and Local Coastal Plan <i>Does the project conform to the Land Use Ordinance Standards? Yes - see discussion.</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Single-Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> SFR/Vacant <i>South:</i> SFR/ Single-Family Residential <i>East:</i> SFR/Single-Family Residential <i>West:</i> SFR/Single-Family Residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens Advisory Council, Public Works, Cayucos Fire Department, Cayucos Sanitary District, Cayucos Fire Protection District, Cal Trans, California Coastal Commission, and the Regional Water Quality Control Board	
TOPOGRAPHY: Nearly level - 2% upslope	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Community system – CSA 10A Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: April 5, 2005

DISCUSSION

PLANNING AREA STANDARDS:

Small Scale Design Neighborhood – Pacific Avenue

Front Setback: All lots along the east side of Pacific Avenue are required to have a minimum front setback of 10 feet. For two story structures, the minimum front second floor setback is an additional 3 feet from the lower wall although open rail, uncovered decks are excluded from this additional setback and may extend to the lower floor wall. *The proposed project is demolition of a two-story single-family residence and construction of a two story single-family residence with a front setback of 34 feet and an open rail uncovered front deck on the second floor that extends to the lower front wall. The project complies with the front setback standard.*

Side Setback: New two-story construction shall have a lower floor setback on each side of not less than four (4) feet and an upper story wall setback on each side yard of a minimum of two-and-one-half (2 ½) feet greater than the lower story wall. Thirty percent of the upper story sidewall may align with the lower floor wall provided it is within the rear two-thirds of the structure. *The project complies with the side setback standard. The side setbacks are 5 and 11 feet. The upper story side setbacks are greater than 2 ½ feet from the lower story wall, and the upper story side walls do not align with the lower floor walls.*

Rear setback: The minimum rear setback is 10 feet. *The proposed setback is 33 feet 9 inches and complies with this standard.*

Height: The lower floor maximum height is 12 feet, and the maximum height of structures on upsloping lots is 24 feet as measured using average natural grade. At the maximum roof height, the roof pitch shall be at least 5:12 (5 inches of rise per 12 inches of run). *Building height of the first floor is 12 feet, and the height of the proposed structure is approximately 24 feet with a 5:12 pitch. The project complies with this standard.*

Gross Structural Area (GSA): Based on the lot size of 7,129 square feet, the maximum gross structural area is 3500 square feet. Additionally, the second story square footage is limited to 60% or less of the first floor square footage. *The proposed gross structural area is 3,046 and*

the second story square footage is 1,142, which is 60% of the first floor square footage (1,904). The project complies with the GSA standard.

Parking: The CZLUO requires 2 parking spaces for single-family residential development, and the planning area standards require that one off-street parking space be enclosed with an interior space a minimum size of 10 feet by 20 feet. *The project complies with this standard because it includes an attached 2-car garage.*

Deck Rail Height: Rail heights for decks above the ground floor shall not exceed 36 inches. *The project complies with this standard.*

Driveway Width: Driveway widths may not exceed 18 feet. *The project complies with this standard.*

Streetscape Plan: A scale drawing showing the front exterior elevation of the proposed project is required. *A streetscape plan is in the project file.*

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Section 23.01.043 - Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the site is within 300 feet of the inland extent of the beach.

COASTAL PLAN POLICIES:

The project is consistent with the Local Coastal Plan; the most relevant policies follow.

Recreation and Visitor Serving: N/A
Environmentally Sensitive Habitats: N/A
Hazards: N/A
Archeology: N/A
Air Quality: N/A

Coastal Watersheds: N/A
Shoreline Access: Policy 2
Public Works: Policy 1
Visual and Scenic Resources: Policies 2,6,
7, and 8

COASTAL PLAN POLICY DISCUSSION:

Public Works:

Policy 1: Availability of Service Capacity applies to the project. *The applicant has demonstrated that adequate public service capacities are available to serve the proposed project because this is a replacement structure and services already exist for the existing structure.*

Shoreline Access:

Policy 2: New Development shall provide access to the beach. *The proposed project is consistent with this policy because although it is near the beach, the proposed residence is not between the first public road and the shoreline and new access ways are not needed because adequate access already exists.*

Visual and Scenic Resources:

- Policy 2: Site Selection for new development: *The proposed project is consistent with this policy because the development is sited to protect views to and along the ocean.*
- Policy 6: Special Communities and Small-Scale Neighborhoods: *The proposed project is consistent with this policy because the development is designed and sited to complement and be visually compatible with existing characteristics of the community.*
- Policy 7: Preservation of Trees and Native Vegetation: *The proposed project is consistent with this policy because the project does not include tree removal.*
- Policy 8: Utility lines within view corridors: *The proposed project will not detract from the public view corridor because the development is conditioned to install electric, cable, and telephone lines underground. The project is consistent with this policy.*

Does the project meet applicable Coastal Plan Policies? Yes, as conditioned.

COMMUNITY ADVISORY GROUP COMMENTS:

The Land Use Committee of the Cayucos Citizens Advisory Council reviewed this project on March 28, 2005. The Committee did not provide written comments prior to preparation of this staff report; however, the Committee did not raise any issues with the project during its meeting.

AGENCY REVIEW:

Public Works - Recommend approval. An encroachment permit is needed for new driveway.

Cayucos Fire Protection District – No comment.

Cayucos Sanitary District – The District requires a “will-serve” during this project.

Paso Robles Beach Water Association – No comment.

Cal Trans – Did not provide comments prior to preparation of this staff report.

California Coastal Commission – Did not provide comments prior to preparation of this staff report.

Regional Water Quality Control Board - Did not provide comments prior to preparation of this staff report.

LEGAL LOT STATUS:

The existing lot is considered to be a legal lot by virtue of the fact that development has been legally established.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 1 and 3) pursuant to CEQA Guidelines Section 15301 and 15303 because the proposed project is demolition of an existing single-family residence with an attached garage and construction of a single-family residence with an attached garage in a residential zone.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a single-family residence is an allowed use, and as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the demolition and construction of a single-family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Pacific Street, a local road constructed to a level able to handle any additional traffic associated with the project, which would be negligible.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Small Scale Neighborhood

- H. The proposed project meets the community small-scale neighborhood design standards and is therefore consistent with the character and intent of the Cayucos Community Small-Scale Design neighborhood.
- I. Public views of the ocean from Highway One or the respective neighborhood are not being further limited.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes demolition of a 1,400 square-foot single-family residence and construction of a new single-family residence with an attached garage resulting in 1,904 square feet of footprint and 3,046 square feet of gross structural area. The project will result in the disturbance of approximately 2,991 square feet of a 7,129 square foot parcel.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

Conditions required to be completed at the time of application for construction permits

Site Development

3. At the time of application for construction permits, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, and landscape plan.
4. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Conditions to be completed prior to issuance of a construction permit

Fees

5. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.

Landscaping

6. Prior to issuance of a construction permit, the applicant shall submit a landscape plan, in accordance with Coastal Zone Land Use Ordinance Section 23.04.182, to the County Department of Planning and Building for review and approval.

Public Works

7. Prior to issuance of a construction permit, the applicant shall apply for and obtain an encroachment permit for the driveway from the County Department of Public Works.

Services

8. Prior to issuance of a construction permit, the applicant shall obtain a signed release from the **Cayucos Sanitary District** to ensure that all of their concerns, requirements, fees, and design issues have been addressed. The applicant shall submit the signed release to the Development Review staff prior to requesting building permit issuance.
9. Prior to issuance of a construction permit, the applicant shall provide a letter from the **Paso Robles Beach Water District** stating they are willing and able to service the property.

Conditions to be completed during project construction

Building Height

10. The maximum height of the project is 24 feet from average natural grade.

- a. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
- b. Prior to approval of the foundation inspection, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
- c. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height, and the actual height of the structure. A licensed surveyor or civil engineer shall prepare this certification.

Utilities

11. The applicant shall install all electric, cable and telephone lines underground pursuant to Coastal Zone Land Use Ordinance Section 23.05.120.

Conditions to be completed prior to final building inspection

Landscaping

12. Prior to final building inspection, landscaping in accordance with the approved landscaping plan shall be installed or bonded for to ensure the implementation of landscaping. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

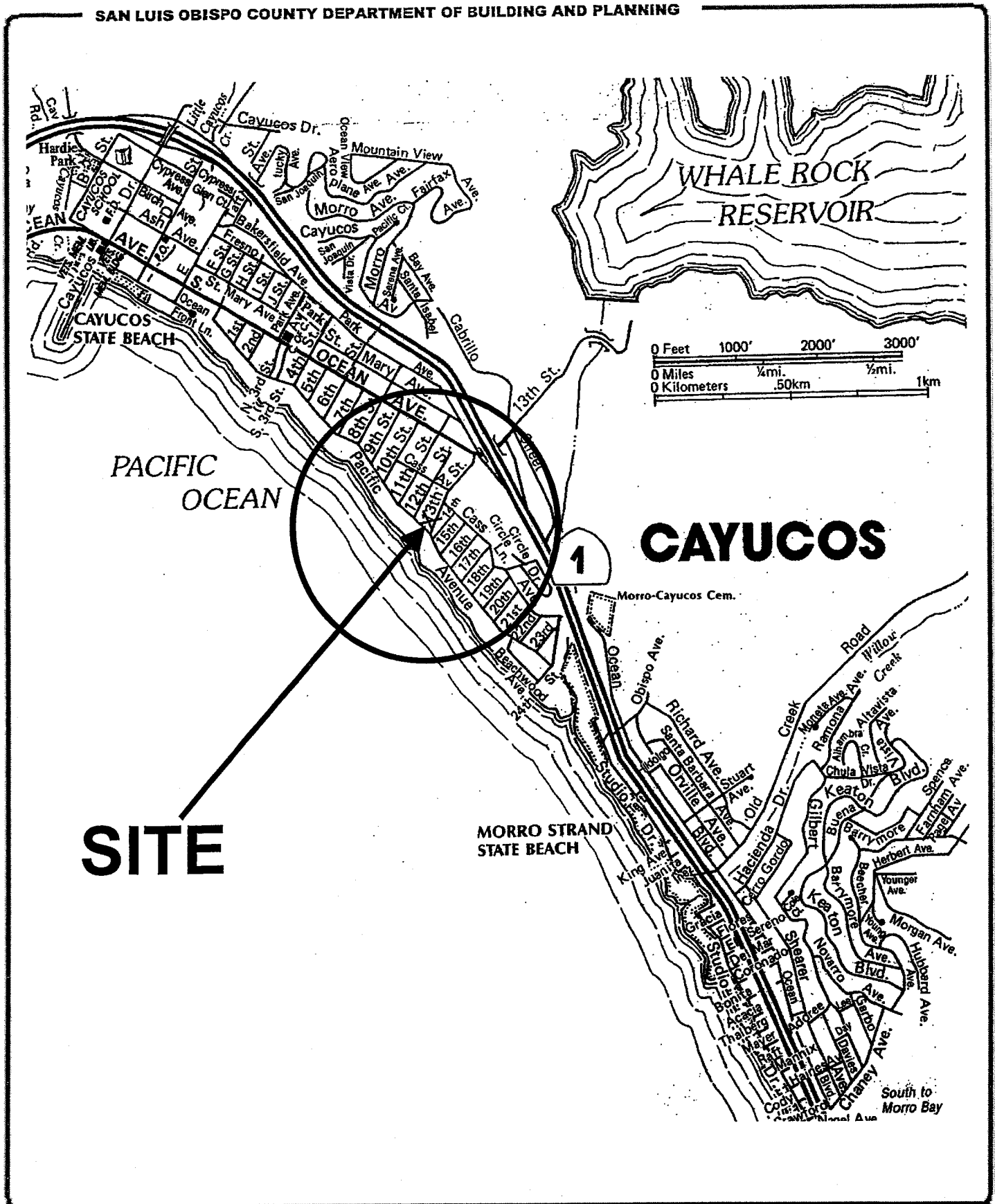
13. Prior to final inspection, the applicant shall obtain final inspection and approval from Cayucos Fire Department for all required fire/life safety measures.

Miscellaneous

14. Prior to occupancy of any structure associated with this approval, the applicant shall contact the County Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

15. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
16. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.



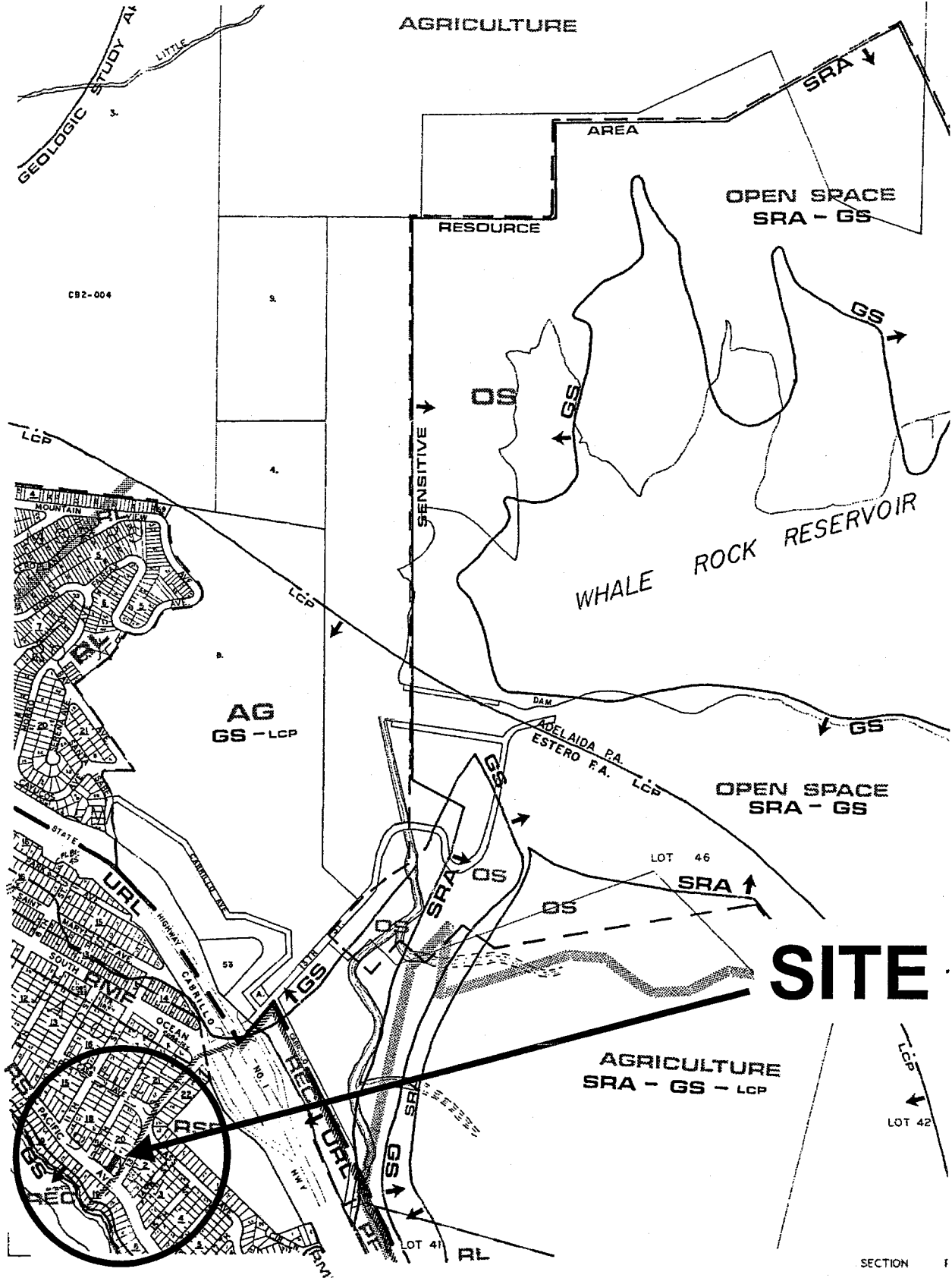
PROJECT

Minor Use Permit
 Wisniewski DRC2005-00175



EXHIBIT

Vicinity Map



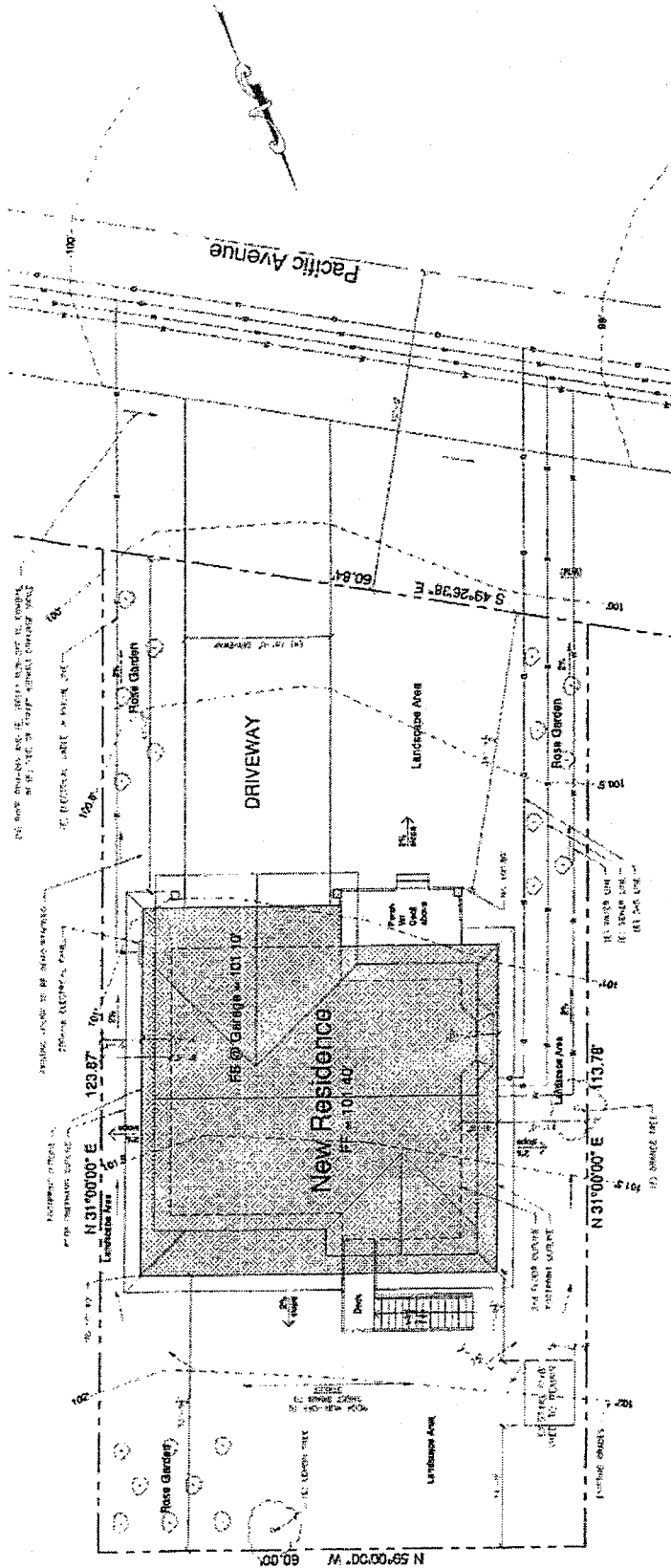
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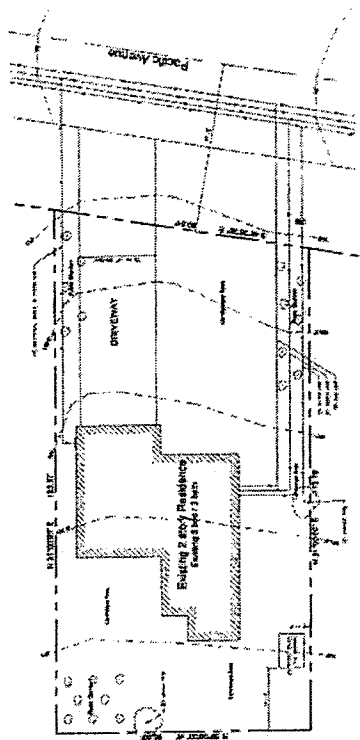


EXHIBIT

Land Use Category Map



SITE PLAN
SCALE: 1/8"=1'-0"



EXISTING SITE PLAN
SCALE: 1/8"=1'-0"

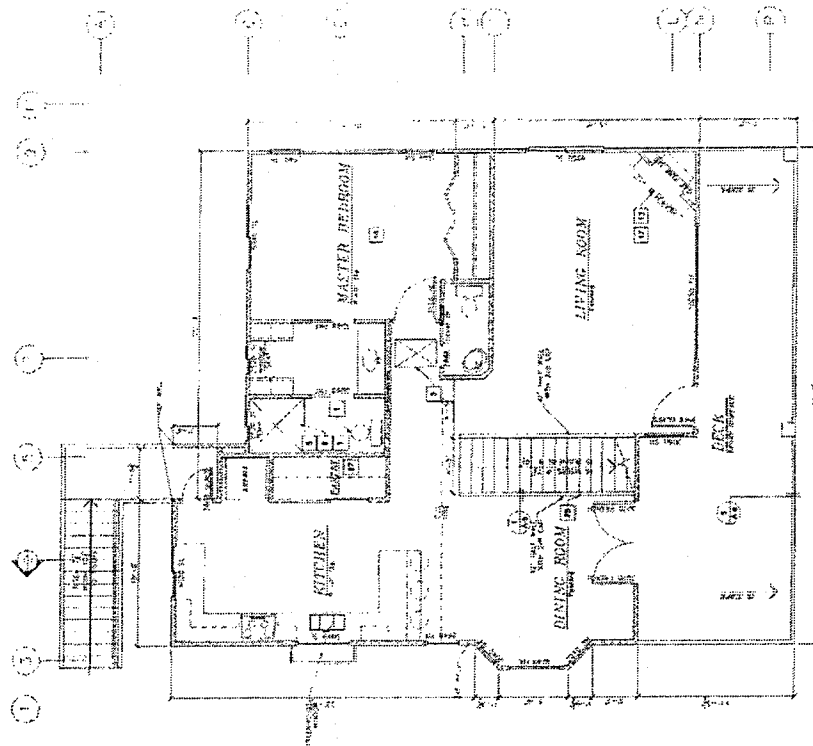
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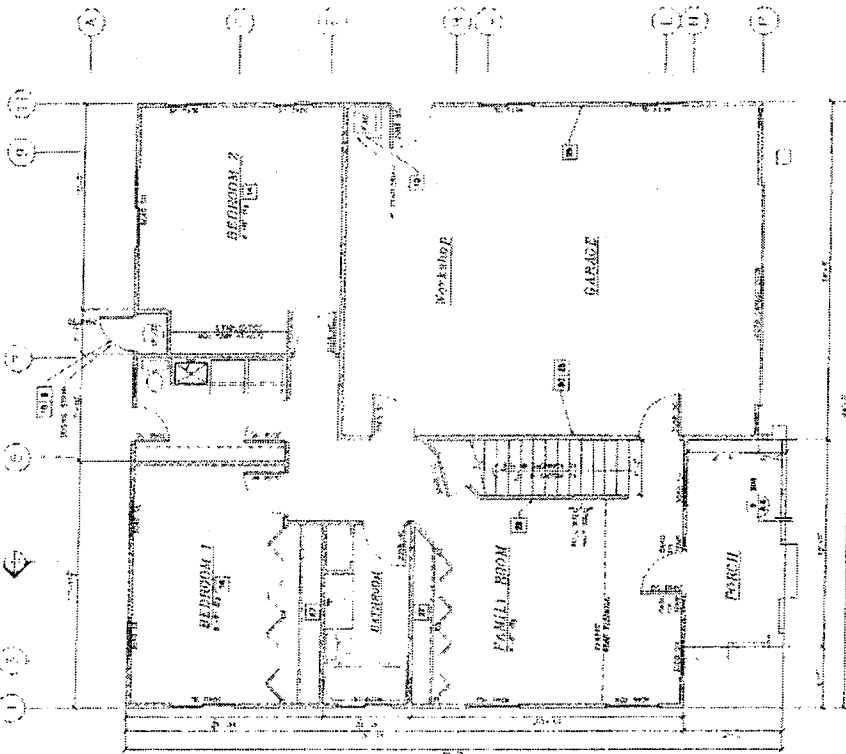


EXHIBIT

Site Plan



SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"



FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"

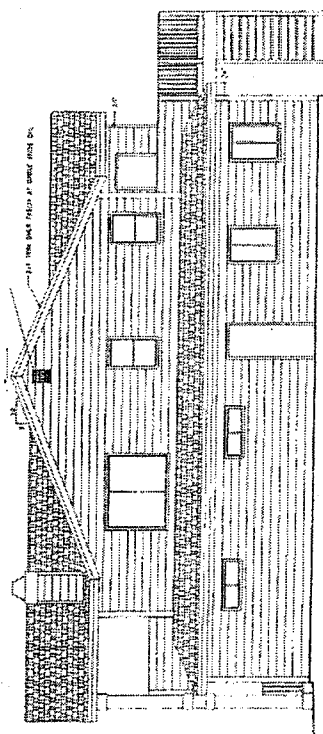
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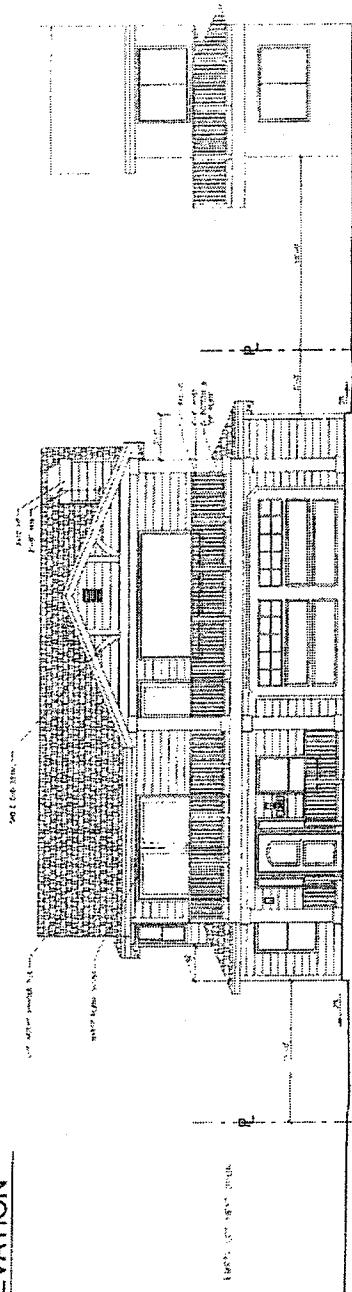


EXHIBIT

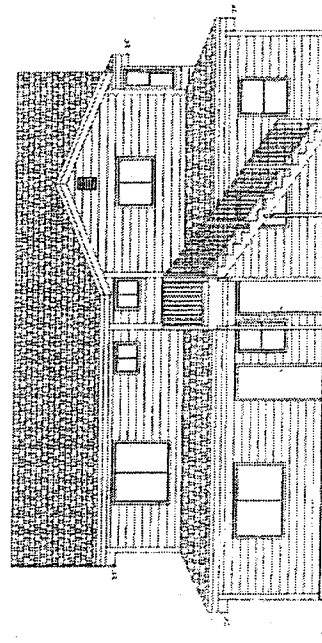
Floor Plans



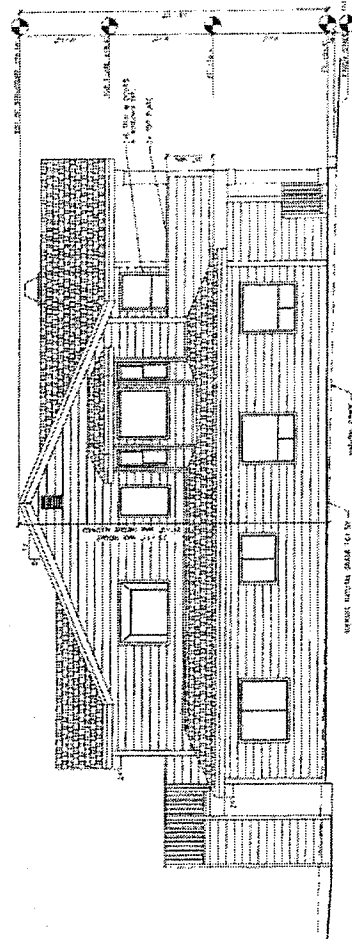
EAST ELEVATION
SCALE: 1/4"=1'-0"



SOUTH ELEVATION
SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"



WEST ELEVATION
SCALE: 1/4"=1'-0"

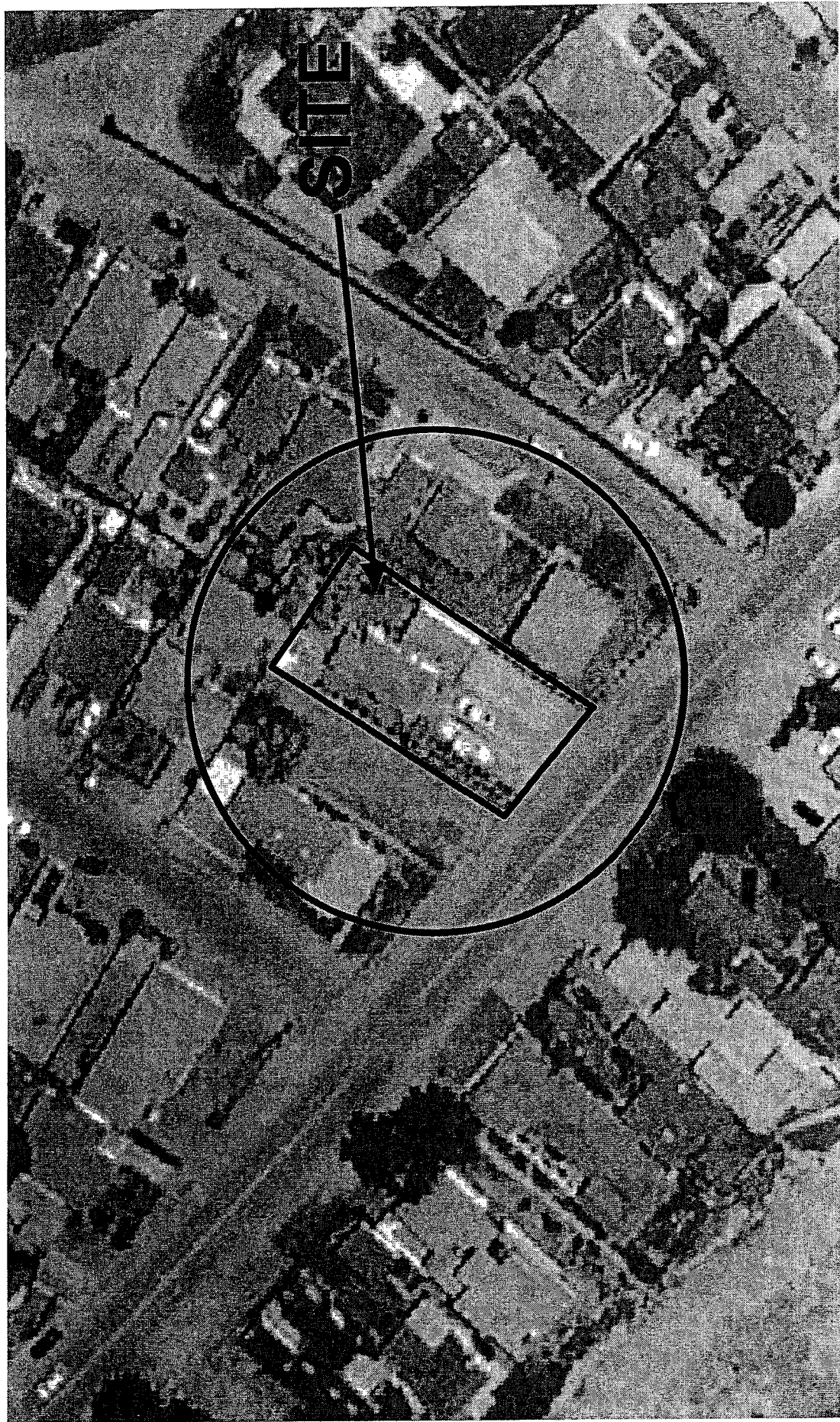
PROJECT

Minor Use Permit
Wisniewski DRC2005-00175



EXHIBIT

Elevations



PROJECT

Minor Use Permit
Wisniewski DRC2004-00175



EXHIBIT

Aerial Photo